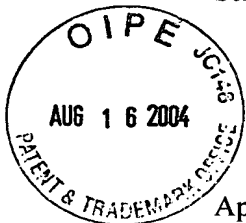


Serial No.: 09/938,235



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Frank Himmelsbach *et al*) Art Unit: 1624
Serial No. : 09/938,235) Examiner: Truong, Tamthom Noo
Filed : August 23, 2001
Confirmation No. : 1687) Docket No.: 5/1256

For : BICYCLIC HETEROCYCLES, PHARMACEUTICAL COMPOSITIONS
CONTAINING THEM, THEIR USE, AND PROCESSES FOR PREPARING THEM

Mail Stop Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO RESTRICTION REQUIREMENT

Sir:

This Reply is filed in response to the Office Action dated June 18, 2004. Submitted herewith is a Petition for Extension of Time for one (1) month up to and including August 18, 2004, together with the necessary fee.

The Examiner alleged that the claims of the instant application include twelve (12) independent and distinct inventions.

In response to this restriction requirement, applicants hereby elect without traverse to prosecute in this application the subject matter of Group 4, claims 23 and 241-7 and 9-13 (part of each), drawn to the subject matter (i.e., compounds, compositions, and method of treatment of formula (I) with the following substituents:

X is a nitrogen atom;
R1 and R2 together do not represent -CH=CH-CH=CH-, -CH=CH-NH- or -CH=N-CH- group;
B is a group selected from groups (h), (i), (n), or (o);
or **A and B** together represent group (h);
D is group (a);
or **C together with D** represent a group selected from groups (a) - (g).

Applicants reserve the right to prosecute in one or more divisional applications whatever subject matter is not examined or allowed here.

Applicants respectfully submit that all the pending claims are allowable and therefore solicit a Notice of Allowance for all of the pending claims.

If the Examiner feels that a telephone interview would be helpful in advancing prosecution of this application, the Examiner is invited to contact the attorney below.

**Certificate of Mailing Under 37 C.F.R. §
1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

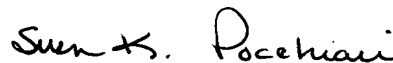
Mail Stop Amendments
Commissioner for Patents,
P.O. Box 1450,
Alexandria, VA 22313-1450

On August 13, 2004.



Susan K. Pocchiari
Registration No. 45,016

Respectfully submitted,



Susan K. Pocchiari
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Attorney for Applicants

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